IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 1969 OF 2005

IN

SUMMONS FOR JUDGMENT NO. 907 OF 2003

IN

SUMMARY SUIT NO. 2225 OF 2003

M/s. P.G. Enterprises .....**Plffs.**
vs.
Bihari J. Ansari .....**Defnds.**

Mr. S.V. Rajeshwar i/b. Legal Associates for the plaintiffs.

Shailesh Shah i/b. J.K. Rahul for the defendants.

CORAM: S.U. KAMDAR, J.

DATE : 17TH AUGUST, 2005.

P.C. :.

1. For the reasons set out in Affidavit in support of the motion, motion made absolute in terms of prayer clause (b).

2. Summmons for Judgment No. 907 of 2003 is restored on file. By consent of the parties thes same is placed on board and called out for hearing. Parties are heard.

3. In the present case it is the case of the defendant that as on the date of the confirmation dated 29.6.2000 which is Ex.B to the plaint the said defendant was not a partner of the firm M/s. Electic Bridges nor the confirmation is signed for and or on behalf of M/s Electric Bridges. Their appears to be some defence in the case. Learned counsel appeairng for the defendant has expressed his willingness to deposit Rs.5.00 lacs in this court. In my opinion on such deposit being made the leave to defend can be granted to the defendant. In the aforesaid circumstances the following order is passed.

(I)The defendant to deposit a sum of Rs.5.00 lacs within a period of 8 weeks from today. If the entire decreetal amount is not paid within

the stipulated time, the plaintiff will be entitled to decree.

(II) If the aforesaid amount is paid as aforestated, then suit is transferred to the list of Commercial Causes. Written statement or points of defence to be filed four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.

sd/-

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